

PRESENTMENT DATE: MARCH 8, 2021 AT 12:00 P.M.
OBJECTION DEADLINE: MARCH 8, 2021 AT 11:30 A.M.

TARTER KRINSKY & DROGIN LLP

Counsel to Deborah J. Piazza, the Chapter 7 Trustee

1350 Broadway, 11th Floor

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 7

POONAM KESWANI,

Case No. 20-10315 (JLG)

Debtor.

-----X

**NOTICE OF PRESENTMENT OF PROPOSED ORDER, PURSUANT TO
FED. R. BANKR. P. 2004, DIRECTING PRODUCTION OF DOCUMENTS
BY AMERICAN FUNDS INVESTMENT COMPANY OF AMERICA**

PLEASE TAKE NOTICE, that upon the application dated February 22, 2021 (the “**Application**”) of Deborah J. Piazza, Esq., Chapter 7 Trustee (the “**Trustee**”) of the estate of Poonam Keswani (the “**Debtor**”), the Trustee will present an order (the “**Proposed Order**”), in the form filed with the Application, to the Honorable James L. Garrity, Jr., United States Bankruptcy Judge of this Court, on **March 8, 2021 at 12:00 p.m.**, pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, directing American Funds Investment Company of America (“**American Funds**”) to produce the documents in its possession, custody and/or control that are set forth in the list attached to the Application as **Schedule A**.

PLEASE TAKE FURTHER NOTICE, that, objections, if any, to the entry of the Proposed Order must be in writing and must be served upon the undersigned attorneys for the

Trustee with a copy to the Chambers of the Honorable James L. Garrity, Jr., so as to be received no later than **March 8, 2021 at 11:30 a.m.** (the “**Objection Deadline**”), absent which there will not be a hearing and the Proposed Order may be signed.

PLEASE TAKE FURTHER NOTICE that only if objections to the Proposed Order are timely served and filed, the Court shall schedule a hearing to consider the Application and any objections thereto.

Dated: New York, New York
February 22, 2021

TARTER KRINSKY & DROGIN LLP
*Attorneys for Deborah J. Piazza, as Chapter 7
Trustee*

By: s/ Jill Makower
Deborah J. Piazza, Esq.
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TO:

Poonam Keswani
50 Riverside Blvd.
Apt. 10N
New York, NY 10069

United States Trustee
Office of the United States Trustee
U.S. Federal Office Building
201 Varick Street, Room 1006
New York, NY 10014

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 7

POONAM KESWANI,

Case No. 20-10315 (JLG)

Debtor.
-----X

**ORDER DIRECTING PRODUCTION OF DOCUMENTS BY AMERICAN
FUNDS INVESTMENT COMPANY OF AMERICA**

Upon the application dated February 22, 2021 (the “**Application**”), of Deborah J. Piazza as the Chapter 7 trustee (the “**Trustee**”) of the debtor Poonam Keswani (the “**Debtor**”) in the above-captioned Chapter 7 case, seeking an order pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure (“**Bankruptcy Rule 2004**”) directing the production of documents by American Funds Investment Company of America (“**American Funds**”); and just cause appearing therefor; it is hereby

ORDERED, that American Funds is hereby directed to produce and deliver to the offices of the Trustee’s Counsel, Tarter Krinsky & Drogin LLP, 1350 Broadway, 11th Floor, New York, NY 10018, Attn: Jill Makower, Esq. (the “**TKD Offices**”), on or before _____, 2021, the documents requested in Schedule A to the Application that are in its possession, custody and/or control; and it is further

ORDERED, that service by first class mail of a copy of this Order and of the Application, together with an appropriate subpoena, on or before the second (2nd) business day following entry of this Order, upon American Funds, shall be deemed good and sufficient service.

Dated: New York, New York
March _____, 2021

THE HONORABLE JAMES L. GARRITY, JR.
UNITED STATES BANKRUPTCY JUDGE

PRESENTMENT DATE: MARCH 8, 2021 AT 12:00 P.M.
OBJECTION DEADLINE: MARCH 8, 2021 AT 11:30 A.M.

TARTER KRINSKY & DROGIN LLP

Counsel to Deborah J. Piazza, the Chapter 7 Trustee

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Jill Makower, Esq.

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 7

POONAM KESWANI,

Case No. 20-10315 (JLG)

Debtor.

-----X

**TRUSTEE'S APPLICATION FOR ENTRY OF AN ORDER, PURSUANT
TO FED. R. BANKR. P. 2004, DIRECTING PRODUCTION OF
DOCUMENTS BY AMERICAN FUNDS INVESTMENT COMPANY OF
AMERICA**

TO: THE HONORABLE JAMES L. GARRITY, JR.
UNITED STATES BANKRUPTCY JUDGE

Deborah J. Piazza, the Chapter 7 trustee (the “**Trustee**”) of the above-captioned debtor Poonam Keswani a/k/a Paris Keswani (the “**Debtor**”), by and through her counsel, Tarter Krinsky & Drogin LLP, submits this application (the “**Application**”) for entry of an order, pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), directing American Funds Investment Company of America (“**American Funds**”) to produce the documentation set forth in **Schedule A** to this Application. In support of this Application, the Trustee respectfully states as follows:

JURISDICTION

1. This Court has subject matter jurisdiction to consider this Application pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue of this Chapter 7 case and this Application in this District is proper under 28 U.S.C. § 1408. This Application is brought pursuant to Bankruptcy Rule 2004.

BACKGROUND

A. General

2. On, January 31, 2020 (the “**Filing Date**”), the Debtor filed a voluntary petition under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York (the “**Court**”).

3. Shortly thereafter, the Trustee was appointed as interim chapter 7 trustee of the Debtor. The Trustee subsequently became permanent trustee and continues to serve in said capacity.

4. On February 14, 2020, the Debtor filed her schedules of assets and liabilities (the “**Schedules**”) and Statement of Financial Affairs (“**SOFA**”).

5. On March 2, 2020, the Debtor filed amended Schedules A/B and C.

6. On April 17, 2020, the Debtor filed further amended Schedules A/B and C [ECF NO. 21].

7. The Trustee examined the Debtor on March 10, 2020 at a § 341 meeting and again at a continued § 341 meeting on May 13, 2020.

8. On December 10, 2020, the Trustee commenced an adversary proceeding against the Debtor, objecting to the Debtor’s discharge pursuant to Bankruptcy Code section 727, Adv. Pro. No. 20-1345-jlg (the “**Adversary Proceeding**”). As set forth in the Trustee’s adversary

complaint, the Debtor has failed to produce documents repeatedly requested in writing by the Trustee concerning the Debtor's assets and financial affairs and the financial affairs of certain of her businesses. The Adversary Proceeding remains pending in this Court.

B. The Debtor's American Funds Account

9. The Debtor has only produced three months of personal bank statements to the Trustee. Those bank statements indicate that the Debtor made payments to American Funds in November and December 2019 (See **Exhibit 1** hereto). The Debtor's Schedules do not disclose any account at American Funds or any transfers into any account at American Funds, and the SOFA states there were no accounts in Debtor's name in the year prior to the Filing Date that were closed, sold, moved or transferred. The Trustee believes the Debtor had an account at American Funds as of the Filing Date or shortly prior to the Filing Date that the Debtor has failed to disclose.

RELIEF REQUESTED

10. The Trustee hereby seeks production by American Funds of the documents listed on **Schedule A** hereto, in order to investigate assets of the estate and possible avoidance actions and other claims the estate may have.

11. Bankruptcy Rule 2004 provides, in relevant part, as follows:

(a) Examination on Motion. On motion of any party in interest, the court may order the examination of any entity.

(b) Scope of Examination. The examination of an entity under this rule or of the debtor under § 343 of the Code may relate only to the acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge . . .

(c) Compelling Attendance and Production of Documents. The attendance of an entity for examination and for the production of

documents, whether the examination is to be conducted within or without the district in which the case is pending, may be compelled as provided in Rule 9016 for the attendance of a witness at a hearing or trial. As an officer of the court, an attorney may issue and sign a subpoena on behalf of the court for the district in which the examination is to be held if the attorney is admitted to practice in that court or in the court in which the case is pending.

Fed. R. Bankr. P. 2004(a), (b) and (c).

12. There is no question that the Trustee is a party in interest entitled to seek discovery under Bankruptcy Rule 2004. See 11 U.S.C. § 704(a).

13. Examinations under Bankruptcy Rule 2004 include within their scope, *inter alia*, any matter that may relate to the property and assets of the estate, the financial condition of the debtor, and any matter that may affect the administration of a debtor's estate. See Bankruptcy Rule 2004(b).

14. Courts have consistently recognized that the scope of discovery under Rule 2004 is extraordinarily broad. See, e.g., In re Ionosphere Clubs, Inc., 156 B.R. 414, 432 (S.D.N.Y. 1993), *aff'd* 17 F.3d 600 (2d Cir. 1994) (likening the scope of a Rule 2004 examination to a 'fishing expedition'); In re Bakalis, 199 B.R. 443, 447 (Bankr. E.D.N.Y. 1996) (same); In re The Bennett Funding Group, Inc., 203 B.R. 24, 28 (Bankr. N.D.N.Y. 1996) (holding that scope of a Rule 2004 examination is "admittedly 'unfettered and broad.'").

15. Based on the above, there is more than sufficient justification for the Trustee's instant application. The Trustee thus respectfully submits that the facts and legal authority set forth herein provide a sufficient basis for the issuance of an order granting the requested relief.

NOTICE

16. A copy of this Application will be served upon the Debtor and the United States Trustee. In light of the nature of the relief requested, the Trustee submits that no other or further notice need be provided.

NO PRIOR RELIEF

17. No prior application for the relief sought herein has been made to this or any other Court.

WHEREFORE, the Trustee respectfully requests entry of an Order directing American Funds to produce all documents listed on **Schedule A** to this Application.

Dated: New York, New York
February 22, 2021

TARTER KRINSKY & DROGIN LLP

Attorneys for Deborah J. Piazza, as Chapter 7 Trustee

By: /s/ Jill Makower

Deborah J. Piazza, Esq.

Jill Makower, Esq.

1350 Broadway, 11th Floor

New York, New York 10018

Telephone: (212) 216-8000

dpiazza@tarterkrinsky.com

jmakower@tarterkrinsky.com

SCHEDULE A

1. Copies of all statements issued from January 1, 2014 through the present on any individual or joint account in the name of Poonam Keswani or Paris Keswani
2. Copies of fronts and backs of all cancelled checks for period from January 1, 2014 through the present relating to any individual or joint account in the name of Poonam Keswani or Paris Keswani
3. Copies of all deposit slips with backup, wire transfer receipts, withdrawal slips and cashier's checks for period from January 1, 2014 through the present on any individual or joint account in the name of Poonam Keswani or Paris Keswani

EXHIBIT 1

Transaction history (continued)

| Date | Check Number | Description | Deposits/ Additions | Withdrawals/ Subtractions | Ending daily balance |
|-------|-----------------|----------------------------------------------------------------------------------------------------------------------|------------------------|------------------------------|-------------------------|
| 11/12 | 185 | Check | | 1,291.64 | 3,262.12 |
| 11/13 | | Purchase authorized on 11/12 Uber Trip Help.Uber.Com CA S469316474184401 Card 1947 | | 13.16 | |
| 11/13 | | Credit One Bank Payment 191110 0000382000984 Poonam Keswani | | 214.87 | 3,034.09 |
| 11/14 | | Citi Autopay Payment 191113 083119958532134 Poonam Keswani | | 580.00 | 2,454.09 |
| 11/15 | | Purchase authorized on 11/14 Uber Trip Help.Uber.Com CA S309318476557574 Card 1947 | | 11.97 | |
| 11/15 | | American Funds Investment 000000 000000086012923 Poonam Keswani | | 909.09 | 1,533.03 |
| 11/18 | | Edeposit IN Branch/Store 11/18/19 04:34:30 Pm 10250 Mason Ave Chatsworth CA | 2,500.00 | | |
| 11/18 | | Purchase authorized on 11/13 Apple.Com/Bill 866-712-7753 CA S389317685014678 Card 1947 | | 21.76 | |
| 11/18 | | Purchase authorized on 11/14 Uber Trip Help.Uber.Com CA S469318788377924 Card 1947 | | 12.19 | |
| 11/18 | | Purchase authorized on 11/15 Uber Trip Help.Uber.Com CA S589319476247624 Card 1947 | | 11.93 | |
| 11/18 | | Purchase authorized on 11/15 Uber Trip Help.Uber.Com CA S469319721614752 Card 1947 | | 9.71 | |
| 11/18 | | WF Credit Card Auto Pay 191117 90154596309450 Keswani,Poonam | | 205.00 | 3,772.44 |
| 11/19 | | NSF Return Item Fee for a Transaction Received on 11/18 \$10,500.00 Discover E-Payment 191118 8847 Keswani Poonam | | 35.00 | |
| 11/19 | | Stop Payment Fee | | 31.00 | |
| 11/19 | | Purchase authorized on 11/17 Skywards Miles By 800-777-3999 NY S469321562511034 Card 1947 | | 330.00 | |
| 11/19 | | Purchase authorized on 11/18 Uber Trip Help.Uber.Com CA S469322468709348 Card 1947 | | 12.27 | |
| 11/19 | | Purchase authorized on 11/18 Uber Trip Help.Uber.Com CA S309322723977432 Card 1947 | | 15.51 | |
| 11/19 | | Glendale Gwp Debit 191118 10944764-07 Rajesh Chandiramani | | 106.94 | 3,241.72 |
| 11/20 | | Deposit Made In A Branch/Store | 11,841.40 | | 15,083.12 |
| 11/21 | | Purchase authorized on 11/20 Hudson VI LLC Wb New York NY S469324436614753 Card 1947 | | 601.00 | |
| 11/21 | | Recurring Payment authorized on 11/20 Apple.Com/Bill 866-712-7753 CA S469324540458217 Card 1947 | | 9.99 | |
| 11/21 | | Purchase authorized on 11/20 Ezpass Prepaid Tol 800-333-8655 NY S389324552695300 Card 1947 | | 25.00 | 14,447.13 |
| 11/22 | | Purchase authorized on 11/21 Uber Trip Help.Uber.Com CA S309325616123475 Card 1947 | | 19.27 | |
| 11/22 | | American Express ACH Pmt 191122 W5052 Rajesh Chandiramani | | 1,000.00 | 13,427.86 |
| 11/25 | | Recurring Payment authorized on 11/23 Apple.Com/Bill 866-712-7753 CA S389327497179446 Card 1947 | | 0.99 | |
| 11/25 | | Purchase authorized on 11/23 Uber Trip Help.Uber.Com CA S589327726551865 Card 1947 | | 9.20 | |
| 11/25 | | Purchase authorized on 11/23 Uber Trip Help.Uber.Com CA S589328052044938 Card 1947 | | 18.64 | |
| 11/25 | | Barclaycard US Creditcard xxxxx0790 Rajesh Chandiramani | | 1,000.00 | |
| 11/25 | | Barclaycard US Creditcard xxxxx8259 Rajesh Chandiramani | | 1,000.00 | |
| 11/25 | | Barclaycard US Creditcard xxxxx8341 Rajesh Chandiramani | | 2,000.00 | |
| 11/25 | | Barclaycard US Creditcard xxxxx6095 Poonam Keswani | | 329.61 | 9,069.42 |
| 11/26 | | Purchase authorized on 11/24 Uber Trip Help.Uber.Com CA S309328742791742 Card 1947 | | 20.50 | |

Transaction history (continued)

| Date | Check Number | Description | Deposits/ Additions | Withdrawals/ Subtractions | Ending daily balance |
|-------|-----------------|----------------------------------------------------------------------------------------------------|------------------------|------------------------------|-------------------------|
| 12/9 | | Purchase authorized on 12/06 Uber Trip Help.Uber.Com CA S589341072879923 Card 1947 | | 13.26 | |
| 12/9 | | Purchase authorized on 12/06 Ws New York Tavern New York NY S309341124758195 Card 1947 | | 202.02 | |
| 12/9 | | Purchase authorized on 12/06 Sq *Capitale New York NY S589341195059797 Card 1947 | | 51.37 | |
| 12/9 | | Purchase authorized on 12/06 United Westway2934 Long Island C NY S469341277816240 Card 1947 | | 12.80 | |
| 12/9 | | Nyc Finance Parking Tk 120519 201933900103812 Name Unknown | | 95.00 | |
| 12/9 | | Barclaycard US Creditcard xxxxx2640 Rajesh Chandiramani | | 245.83 | |
| 12/9 | | Barclaycard US Creditcard xxxxx5078 Rajesh Chandiramani | | 249.07 | |
| 12/9 | | Discover Payments 191208 8470 Keswani Poonam | | 339.00 | |
| 12/9 | | Discover E-Payment 191209 8847 Keswani Poonam | | 500.00 | 5,450.75 |
| 12/10 | | Purchase authorized on 12/09 Allen Chem 888-708-0876 IL S589343686808354 Card 1947 | | 500.00 | |
| 12/10 | | Purchase authorized on 12/09 Astrocenter 415-6159028 CA S389343702114832 Card 1947 | | 19.95 | |
| 12/10 | | Con Ed of NY Intell Ck 191209 447133371173048 Poonam Keswani | | 186.42 | |
| 12/10 | 189 | Check | | 1,291.64 | 3,452.74 |
| 12/11 | | ATM Cash Deposit on 12/11 2039 Broadway New York NY 0006487 ATM ID 6318H Card 1947 | 1,500.00 | | 4,952.74 |
| 12/12 | | Purchase authorized on 12/10 Taxi Svc 41-25 36T Long Is City NY S389344589409122 Card 1947 | | 15.80 | |
| 12/12 | | Purchase authorized on 12/10 Nyc Taxi 1246 1246 Long Island C NY S389344715554947 Card 1947 | | 15.30 | |
| 12/12 | | Purchase authorized on 12/11 Remitly* Xd31 WWW.Remitly.C WA S469345705302568 Card 1947 | | 1,002.99 | 3,918.65 |
| 12/13 | | Purchase Return authorized on 12/11 Jubilee Market New York NY S629347546316297 Card 1947 | 50.20 | | |
| 12/13 | | Purchase authorized on 12/11 Jubilee Market New York NY S309345632014408 Card 1947 | | 50.20 | |
| 12/13 | | Purchase authorized on 12/11 Jubilee Market New York NY S389345723880013 Card 1947 | | 53.83 | |
| 12/13 | | Purchase authorized on 12/11 Nyc Taxi 1246 1246 Long Island C NY S589346194138881 Card 1947 | | 17.80 | |
| 12/13 | | Purchase authorized on 12/12 Remitly* Xfa2 WWW.Remitly.C WA S589346383742101 Card 1947 | | 275.73 | |
| 12/13 | | Purchase authorized on 12/12 1330 Sixth Parking New York NY S469346714580745 Card 1947 | | 25.50 | 3,545.79 |
| 12/16 | | Purchase authorized on 12/13 Exxonmobil 9746 New York NY S469347488419588 Card 1947 | | 81.54 | |
| 12/16 | | Purchase authorized on 12/13 Uber Trip Help.Uber.Com CA S589347507937796 Card 1947 | | 26.84 | |
| 12/16 | | Purchase authorized on 12/13 Taxi Svc Brooklyn Brooklyn NY S469347541661572 Card 1947 | | 13.00 | |
| 12/16 | | Purchase authorized on 12/13 02553-2 Laundry CA New York NY S469347602796927 Card 1947 | | 75.00 | |
| 12/16 | | Recurring Payment authorized on 12/13 Apple.Com/Bill 866-712-7753 CA S589347684799051 Card 1947 | | 21.76 | |
| 12/16 | | Purchase authorized on 12/13 Nycdot Parking Met Long Is City NY S309347800533633 Card 1947 | | 9.50 | |
| 12/16 | | Purchase authorized on 12/13 Vandal New York NY S469348233269563 Card 1947 | | 300.00 | |
| 12/16 | | Purchase authorized on 12/14 Seamlssempnadamam Seamless.Com NY S309348336862194 Card 1947 | | 20.64 | |
| 12/16 | | Purchase authorized on 12/14 Bagatelle New York New York NY S309348824931548 Card 1947 | | 115.00 | |
| 12/16 | | Venmo Payment 2859502956 Rajesh Chandiramani | | 20.00 | |
| 12/16 | | American Funds Investment 000000 000000086012923 Poonam Keswani | | 909.09 | 1,953.42 |

